

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION OF)	
NEON CONNECT, INC., FOR A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY TO)	
PROVIDE LOCAL EXCHANGE AND COMPETITIVE)	PSC DOCKET NO. 04-93
INTRASTATE TELECOMMUNICATIONS SERVICES)	
WITHIN THE STATE OF DELAWARE)	
(FILED MARCH 10, 2004))	

FINDINGS AND ORDER NO. 6446

AND NOW, to-wit, this 6th day of July, 2004, the Public Service Commission ("PSC" or the "Commission") makes the following findings, determination, and Order:

1. On March 10, 2004, NEON Connect, Inc. ("NEON"), filed with the Commission an application for a Certificate of Public Convenience and Necessity ("CPCN") to allow it to provide local exchange and competitive intrastate telecommunications services within Delaware. NEON has also filed an illustrative tariff setting forth the terms and conditions for its proposed services; and

2. Public notice of the application, including a period for filing objections, was published in The News Journal newspaper on April 30, 2004 and the Delaware State News newspaper on May 12, 2004. No comments nor objections to the application have been received. The Commission Staff reports that NEON has shown that it has the financial, technical, and managerial capabilities as required for a certificate as set forth in the Commission's "Rules for the Provision of Telecommunications Services."¹

¹Adopted in PSC Order No. 5833 (eff. Dec. 10, 2001).

On May 27, 2004, NEON filed a performance bond in the amount of Ten Thousand Dollars (\$10,000), with corporate surety licensed to do business in Delaware. A Ten Thousand Dollar (\$10,000) performance bond is a requirement of Order No. 5833 in PSC Regulation Dockets Nos. 10 and 45.

3. NEON Connect, Inc., has requested a waiver of the requirement to file an intraLATA toll dialing parity plan at this time since NEON will not be providing access to long distance telecommunications services.

4. The Commission determines that a conditional Certificate of Public Convenience and Necessity should be granted to NEON authorizing it, as a public utility, to offer local exchange telecommunications services under the provisions of the Commission's "Rules for the Provision of Telecommunications Services."

Now, therefore, **IT IS ORDERED:**

1. That, pursuant to 26 Del. C. §§ 203A and 703(3) and the Commission's "Rules for the Provision of Telecommunications Services," a conditional Certificate of Public Convenience and Necessity is granted to NEON Connect, Inc., to operate as a public utility and provide local exchange and competitive intrastate telecommunications services as described in the application filed on March 10, 2004.

2. That NEON Connect, Inc., shall provide local exchange telecommunications services in the manner required by the Commission's "Rules for the Provision of Telecommunications Services," and shall, at all times, comply with all applicable provisions of such Rules. NEON Connect, Inc., shall also file all returns and pay all assessments and fees as may be required by the provisions of 26 Del. C. §§ 114 and 115.

3. That the Certificate is awarded upon, and subject to, the following conditions:

- (a) That ten (10) days prior to the date NEON Connect, Inc., intends to offer and implement telecommunications services, NEON Connect, Inc., shall file a tariff or price list with rules, regulations, terms, and conditions of service specifically adopted for Delaware; and
- (b) That NEON Connect, Inc., has a Commission approved interconnection agreement between NEON Connect, Inc., and Verizon Delaware Inc., or another certificated local exchange carrier.

4. That the Commission grants NEON Connect, Inc.'s request to waive the requirement to file, and have the Commission approve, an intraLATA toll dialing parity plan until it makes an application to offer access to long distance telecommunications services.

5. That the provisions of 26 Del. C. § 208(b) are waived, and NEON Connect, Inc., is authorized to maintain its books and records relating to its Delaware operations outside of the State of Delaware provided, however, and upon the condition that, all such books and records relating to Delaware operations as the Commission may deem it reasonably necessary from time to time, to review and copy, shall be provided to the Commission at the Commission's Office within the State of Delaware in a timely manner upon written request by the Commission's Chief of Technical Services or Executive Director. The conduct of such a review at a location other than Delaware shall be at the Applicant's expense.

6. That NEON Connect, Inc., shall comply with all state and federal statutes and rules relating to a customer's selection of a preferred carrier of telecommunications services. NEON Connect, Inc., agrees to pay all fees, assessments, penalties, and allowed damages arising from a violation of such state and federal statutes or rules pertaining to the selection of a preferred carrier.

7. That a violation of the "Rules for the Provision of Telecommunications Services" may result in suspension or revocation of this Certificate.

8. That the Commission reserves the jurisdiction and authority to enter such further Orders in this proceeding as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Arnetta McRae
Chair

Vice Chair

/s/ Donald J. Puglisi
Commissioner

/s/ Joann T. Conaway
Commissioner

Commissioner

ATTEST:

/s/ Karen J. Nickerson
Secretary